

PART 6 – Exhibit A

NONDISCRIMINATION AND ACCESSIBILITY

SECTION 1 – REQUIREMENTS RELATING TO EMPLOYMENT AND SERVICE TO THE PUBLIC

A. EMPLOYMENT

During the performance of this concession contract, the concessionaire agrees to the following:

1. The concessionaire will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin, or disabling condition. The concessionaire will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, national origin, or disabling condition. Such action shall include, but not be limited to, the following: employment upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The concessionaire agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Secretary of the Interior setting forth the provision of this nondiscrimination clause.
2. The concessionaire will, in all solicitations or advertisements for employees placed by or on behalf of the concessionaire, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, national origin, or disabling condition.
3. The concessionaire will send a notice to each labor union or representative of workers with which the concessionaire has a collective bargaining agreement or other contract or understanding. The notice will be provided by the Secretary of Labor, advising the labor union or workers' representative of the concessionaire's commitments under Section 202 of Executive order (E.O.) No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

4. Within 120 days of the commencement of a contract, every Government contractor holding a contract that generates gross receipts that exceed \$50,000 and having 50 or more employees shall prepare and maintain an Affirmative Action Program Plan at each establishment that shall set forth the contractor's policies, practices, and procedures in accordance with the Affirmative Action Program requirement.
5. The Affirmative Action Program Plan is to be filed by the concessionaire with the Office of Federal Contract Compliance Programs (OFCCP). The Affirmative Action Program Plan will be deemed to have been accepted by the Government at the time the appropriate OFCCP field, area, regional, or national office has accepted such plan unless, within 45 days thereafter, the director of the OFCCP has disapproved such plan.
6. The concessionaire will comply with all provisions of E.O. No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.
7. The concessionaire will furnish all information and reports required by E.O. No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to the concessionaire's books, records, and accounts by the Secretary of the Interior and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
8. In the event of the concessionaire's noncompliance with the nondiscrimination clauses of this concession contract or with any of such rules, regulations, or orders, this concession contract may be canceled, terminated, or suspended in whole or in part, and the concessionaire may be declared ineligible for further Government concession contracts in accordance with procedures authorized in E.O. No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in E.O. No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
9. The concessionaire will include the provisions of paragraphs (1) through (7) in every purchase order unless exempted by rules,

regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of E.O. No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, so that such provisions will be binding upon each vendor. The concessionaire will take such action with respect to any purchase order as the Secretary of Labor may direct as a means of enforcing such provisions, including sanctions for noncompliance, provided, however, that in the event the concessionaire becomes involved in, or is threatened with, litigation with a vendor as a result of such direction by the Secretary of Labor, the concessionaire may request the United States to enter into such litigation to protect the interests of the United States.

B. CONSTRUCTION, REPAIR, AND SIMILAR CONTRACTS

The preceding provisions A(1) through A(8) governing performance of work under this concession contract, as set out in Section 202 of E.O. No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, shall be applicable to this concession contract and shall be included in all contracts executed by the concessionaire for the performance of concession, repair, and similar work contemplated by this concession contract, and for that purpose the term “concession contract” shall be deemed to refer to this instrument and to contracts awarded by the concessionaire, and the term “concessionaire” shall be deemed to refer to the concessionaire and to contractors awarded contracts by the concessionaire.

C. FACILITIES

1. Definitions as used herein:

- Concessionaire shall mean the concessionaire and its employees, agents, and contractors and the successors in interest of the concessionaire.
- Facility shall mean any and all services, facilities, privileges, accommodations, or activities available to the general public and permitted by this agreement.

2. The concessionaire is prohibited from:

- Publicizing facilities operated hereunder in any manner that would directly or inferentially reflect upon or question the acceptability of any person because of race, color, religion, sex, age, national origin, or disabling condition.

- Discriminating by segregation or other means against any person.

SECTION 2 – ACCESSIBILITY

Title V, Section 504, of the Rehabilitation Act of 1973, as amended in 1978, requires that action be taken to ensure that any “program” or “service” being provided to the general public be provided to the highest extent reasonably possible to individuals who are mobility impaired, hearing impaired, and visually impaired. It does not require architectural access to every building or facility but only that the service or program can be provided somewhere in an accessible location. It also allows for a wide range of methods and techniques for achieving the intent of the law and calls for consultation with disabled persons in determining what is reasonable and feasible.

No handicapped person shall, because a concessionaire’s facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance or conducted by any executive agency or by the U.S. Postal Service.

A. DISCRIMINATION PROHIBITED

A concessionaire, in providing any aid, benefit, or service, may not directly or through contractual, licensing, or other arrangements, on the basis of handicap:

1. Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service.
2. Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others.
3. Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others.
4. Provide different or separate aids, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others.
5. Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization,

or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program.

6. Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards.
7. Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

B. EXISTING FACILITIES

A concessionaire shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not require a concessionaire to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.